

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2008-59  
April 2, 2008

**SUBJECT:** Delegation of Authority - Inclusionary Zoning Implementation Act of 2006

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(6) and (11) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2006 Repl.), the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.07) ("Act"), and the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.*) ("Civil Infractions Act"), it is hereby **ORDERED** that:

1. The Deputy Mayor for Planning and Economic Development ("Deputy Mayor") is delegated the Mayor's authority to promulgate regulations to carry out the Act pursuant to section 107(1) of the Act, to promulgate regulations related to escrow accounts pursuant to section 105(d) of the Act, to establish maximum rental and purchase prices and to publish rental and price schedules pursuant to section 103(a) and (b) of the Act, to establish alternate formulas for determining the purchase price for the second and all subsequent sales of an inclusionary unit pursuant to section 103(c) of the Act, to establish the standards for determining the price at which a land trust or similar entity may purchase inclusionary units pursuant to section 102(b) of the Act, to determine the required contents of covenants pursuant to section 105(a)(2) of the Act, to establish the standards under which the Mayor, the District of Columbia Housing Authority, or a third party may purchase an inclusionary unit pursuant to section 107(2) of the Act, to establish minimum income requirements pursuant to section 107(5) of the Act, to establish the standards for the process for determining the order in which households shall be chosen from lists of eligible households pursuant to section 107(7) of the Act, to establish the process by which the owners of Inclusionary Developments or units shall notify the Mayor of the availability of inclusionary units pursuant to section 107(8) of the Act, to determine the circumstances under which owners of Inclusionary Developments or units may sell or rent inclusionary units to low-income or moderate-income households that have not been selected by the Mayor pursuant to section 107(9) of the Act, to establish minimum size and other standards for inclusionary units pursuant to section 107(10) of the Act, to determine the standards under which an owner or renter of an inclusionary unit may temporarily lease the unit pursuant to section 107(11) of the Act, to establish

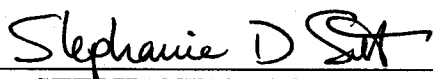
the process by which renters of inclusionary units shall be required to periodically certify their continuing eligibility for occupancy and, if no longer eligible, the means by which their leaseholds shall be terminated and their units made available to eligible households under section 107(12) of the Act, and to establish the initial fee for the review of Certificates of Inclusionary Zoning Compliance pursuant to section 107(13) of the Act.

2. The Director of the Department of Housing and Community Development shall implement, and may establish operating procedures and standards for the implementation of, the regulations, standards, formulas, means, and processes established by the Deputy Mayor pursuant to paragraph 1 of this Order, to the extent the authority to implement such regulations, standards, formulas, means, or processes are not otherwise delegated to the Director of the Department of Consumer and Regulatory Affairs pursuant to paragraph 4 of this Order.
3. The Director of the Department of Housing and Community Development is delegated the Mayor's authority to impose fines under section 104 of the Act and to impose and enforce such fines pursuant to the Civil Infractions Act, to determine that the rental price of an inclusionary unit has been reduced to the maximum amount allowed pursuant to section 104(b)(2), to advertise the existence of the Inclusionary Zoning Program pursuant to section 107(3) of the Act, to accept applications from households seeking to rent or purchase inclusionary units pursuant to section 107(4) of the Act, to evaluate the eligibility of households to rent or purchase inclusionary units pursuant to section 107(6) of the Act, to establish lists of eligible households pursuant to section 107(7) of the, to submit reports to the Council and the Zoning Commission pursuant to section 109, and to monitor compliance with the Act.
4. The Director of the Department of Consumer and Regulatory Affairs ("DCRA") is delegated the Mayor's authority to receive applications for and approve Certificates of Inclusionary Zoning Compliance pursuant to section 105(a)(1) of the Act, to determine the required contents of a Certificate of Inclusionary Zoning Compliance pursuant to section 105(a)(2) of the Act, to determine prior to the issuance of a certificate of occupancy whether the Inclusionary Development is in compliance with the Inclusionary Zoning Program and the Certificate of Inclusionary Zoning Compliance and to sign a statement indicating that an Inclusionary Development is in such compliance under section 105(c) of the Act, and to establish a fee for the review of such applications pursuant section 107(13) of the Act, provided, the Deputy Mayor may establish the initial fee for the review of Certificates of Inclusionary Zoning Compliance pursuant section 107(13) of the Act and DCRA shall be responsible for any subsequent fee adjustments.
5. The authority delegated herein to the Deputy Mayor for Planning and Economic Development, the Director of the Department of Housing and Community Development, and the Director of the Department of Consumer and Regulatory

Affairs may be further delegated to subordinates under his or her respective jurisdiction.

6. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.
7. **EFFECTIVE DATE**: This Order shall become effective immediately.

  
ADRIAN M. FENTY  
MAYOR

ATTEST:   
STEPHANIE D. SCOTT  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL**



Legal Counsel Division

**MEMORANDUM**

**TO:** Barry Kreiswirth  
Director of Policy and Legal Affairs  
Office of the Deputy Mayor for Planning and Economic Development

**FROM:** Wayne C. Witkowski *WCW*  
Deputy Attorney General  
Legal Counsel Division

**DATE:** March 26, 2008

**SUBJECT:** Legal Sufficiency Review of Mayor's Order Delegating Authority for  
Inclusionary Zoning Regulations and Implementation  
(AM-07-739C)

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This memorandum responds to an email request this Division received from your office yesterday, by which you transmitted the above-referenced draft Mayor's Order (Order) for legal sufficiency review. The Order will delegate the Mayor's authority to establish and implement regulations to carry out the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007, D.C. Law 16-275, D.C. Official Code § 6-1041.07 (Supp. 2007), to the Deputy Mayor for Planning and Economic Development, the Director of the Department of Housing and Community Development, and the Director of the Department of Consumer and Regulatory Affairs, as specified in the Order.

The Order is legally sufficient. We have attached a redlined and final version of the Order that contain technical changes required by the Office of Documents and Administrative Issuances (ODAI). Mr. Clifton Posey, ODAI, has certified that the attached final version of the Order complies with the technical requirements of his office.

If you have any questions about this memorandum, please contact either Assistant Attorney General Anne R. Hollander at 724-5533 or me at 724-5524.

WCW/arh

Attachments (2)